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Applicant submits new claims 25-29. Claims 1-29 are now pending in the application. Applicant amends claims 1, 5, 12-13, and 17 for clarification, and submit claims 25-29 to round out the scope of the claimed invention. No new matter has been added.

Applicant respectfully requests that the Examiner acknowledge receipt of all certified copies of the priority documents, and initial all of the references listed on the PTO-1449 form attached to the April 5, 2006 IDS.

The Examiner objected to claim 5 for an apparent informality. The Examiner contended that the term "lost" is not consistent with the specification. Applicant points out to the Examiner that claim 5 recites "synchronism between the transmitting and receiving sides" not being "lost." And thus, the claimed feature is consistent with the specification. Please see, e.g., Fig. 5 and its corresponding description—including page 12, lines 24-40—in the specification. Applicant, nevertheless, amends claim 5 to more clearly recite "...manner that the transmitting and receiving sides will not become desynchronized when the target..." and respectfully requests that the Examiner withdraw the objection. Correspondingly, Applicant amends claim 17.

Claims 1-2, 7-10, 13-14, and 19-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0021682 to Ariyoshi et al.; claims 3-4 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ariyoshi et al. in view of U.S. Patent Application Publication No. 2003/0119452 to Kim et al.; and claims 5, 11, 17, and 23 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ariyoshi et al. in view of U.S. Patent Application Publication No. 2003/0012267 to Jitsukawa et al. Applicant amends claims 1 and 13 in a good faith effort to clarify the invention as distinguished from the cited references, and respectfully traverses the rejection.

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Ariyoshi et al. describe a transmission power control technique that determines a target SIR by comparing an error rate of received data and a target error rate, acquires an estimated SIR by removing an interference from a measured SIR, and controls a transmission power by comparing the estimated SIR and the target SIR. According to Ariyoshi et al., the target SIR is determined by:

- (1) determining a tentative target SIR by comparing the error rate of the received data and the target error rate,
- (2) computing a difference between the tentative target SIR and an average of the estimated SIR, and
- (3) if the difference is small, adopting the tentative target SIR as the target SIR, and if the difference is large, adopting a value obtained by correcting the tentative target SIR as the target SIR.

Thus, Arivoshi et al., as cited and relied upon by the Examiner, only describe transmission power control based on measured data transmission error, and do not disclose the claimed features regarding a pilot in an interval in which data is not being transmitted. Indeed, the cited portions of Ariyoshi et al. only include description of outer loop and inner loop power control systems, CRC, and interference canceling. Such portions of Arivoshi et al. do not include any disclosure of any technique to distinguish an interval in which data is being transmitted from an interval in which data is not being transmitted.

In other words, Ariyoshi et al., as cited and relied upon by the Examiner, fail to disclose,

“[a] transmission power control method that compares error rate of receive data and target error rate on a receiving side, controls target SIR, and causes a transmitting side to control transmission power in such a manner that measured SIR will agree with the target SIR, comprising the steps of:

determining whether an interval is an interval in which data is being transmitted;

comparing the error rate of receive data after decoding and the target error rate of the data and controlling the target SIR by a result of the comparing in an interval in which data is being transmitted;

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measuring the error rate of a demodulated receive *pilot* in an interval in which data is *not* being transmitted; and controlling the target SIR upon comparing the measured error rate of the *pilot* and target error rate of the *pilot* in the interval in which data is *not* being transmitted," as recited in claim 1. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 1, together with claims 2 and 7-10 dependent therefrom, is patentable over Ariyoshi et al. for at least the foregoing reasons. Claim 13 incorporates features that correspond to those of claim 1 cited above, and is, therefore, together with claims 14 and 19-22 dependent therefrom, patentable over Ariyoshi et al. for at least the same reasons. The Examiner relied upon Kim et al. and Jitsukawa et al. as combining references to specifically address the additional features recited in dependent claims 3-5, 11, 15-17, and 23, respectively. As such, the additions of these references would still have failed to cure the above-described deficiencies of Ariyoshi et al., even assuming, arguendo, that such additions would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicant respectfully submits that claims 3-5, 11, 15-17, and 23 are patentable over the cited references for at least the foregoing reasons.

Claims 6, 12, 18, and 24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ariyoshi et al. in view of U.S. Patent Application Publication No. 2003/0003942 to Okumura. Applicant respectfully traverses the rejection.

The Examiner relied upon Okumura as a combining reference that allegedly suggests the claimed features with respect to upper and lower limits of a target error rate of a pilot. And although Okumura describes an "idle" period, the technique described therein does not control the target SIR using a pilot or a pilot channel during the "idle" period. With reference to Fig. 15 of Okumura, this cited reference only describes controlling the target SIR using a pseudo-FER

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calculated based upon the number of error frames and the number of the received frames in which the number of error frames is incremented by +1 every N number of the received frames. Paragraphs [0086]-[0087] of Okumura. Therefore, the addition of Okumura would still have failed to cure the above-described deficiencies of Ariyoshi et al., even assuming, arguendo, that such an addition would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicant respectfully submits that claims 6 and 18, which depend from claims 1 and 13, respectively, are patentable over the cited references for at least the foregoing reasons. Claims 12 and 24 incorporate corresponding features and are, therefore, patentable over the cited references for at least the same reasons.

Correspondingly, the cited references fail to disclose or suggest,

“[a] radio communication apparatus operable to receive a data channel and a control channel, comprising:
a unit operable to switch transmission power control between a first transmission power control on a basis of the data channel and a second transmission power control on a basis of the control channel,” as recited in claim 25. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 25, together with claims 26-29 dependent therefrom, is patentable over the cited references for at least the foregoing reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

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Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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